

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20705

ALI DARWICH,

Defendant.

/

ORDER DENYING DEFENDANT'S MOTION TO SHOW CAUSE

Before the court is a motion filed pro se by Defendant Ali Darwich, which is entitled "Motion to Show Cause Hearing Cross-Examination Front Grand Jury or the Courtroom in this Case." In his motion, Defendant requests that he be allowed to present certain evidence, by way of personal testimony or by cross-examination of a federal agent, to the Grand Jury. He argues that the indictment returned against him "is not true information." (Def.'s Mot. at 3.) There is, however, no right for a defendant, or a defendant's attorney, to present evidence or even appear in front of the Grand Jury, whose proceedings are secret. See *generally* Fed. R. Crim. P. 6(d)(1). As the Supreme Court stated, over a hundred years ago,

the defendant has . . . no right to an investigation of the proceedings before the grand jury, or an inquiry concerning what testimony was presented to, or what witnesses were heard by, that body. In other words, he may not impeach an indictment by evidence tending to show that the grand jury did not have testimony before it sufficient to justify its action.

Beavers v. Henkel, 194 U.S. 73, 87-88 (1904). Defendant will be allowed to present evidence and cross-examine witnesses at trial. There is no right though to recall the

Grand Jury which issued the indictment against him and certainly no right for him to appear, either in his capacity as a defendant or representing himself pro se, in front of it. Accordingly,

IT IS ORDERED that the Defendant's motion to show cause [Dkt. # 126] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 6, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 6, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522